

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* SUSAN G. KATZ

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Application 10/647,618  
Technology Center 3600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on January 17, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The Appellant submitted a Declaration in accordance with 37 C.F.R. § 1.132 on November 2, 2004. The Examiner has failed to acknowledge or mention this document. For clarification purposes, it is imperative that the Examiner address the Declaration submitted by Appellant.

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Further review of the IFW reveals that the Examiner, in his Examiner's Answer mailed January 12, 2006, fails to list the reference evidence relied upon in the appealed rejection of the claims under 35 U.S.C. § 103(a) under the heading **"(8) Evidence Relied Upon."** Correction is required. *See the Manual of Patent Examining Procedure (MPEP) § 1207.02(A)(8).*

Accordingly, it is

*ORDERED* that the application is returned to the Examiner:

- 1) to clarify the written record as to the status of the Declaration received November 2, 2004;
- 2) to issue a corrected Examiner's Answer that complies with *MPEP* § 1207.02(A)(8); and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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PJN:hh

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